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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TALITHA SMITH,

Plaintiff,

vs.

CASE NO.:

COMPLAINT
(Jury Demanded)

EXPEDIA, INC. d/b/a CLASSIC
VACATIONS, LLC; DOES I through X,
inclusive; and, ROE CORPORATIONS 1
through X, inclusive.

Defendants.

PLAINTIFF, TALITHA SMITH, by and through her attorney, Kristina S. Holman, and
complains and alleges as follows:

JURISDICTION AND VENUE

1. This is a civil action for damages under federal statutes prohibiting race discrimination and retaliation, and to secure the protection of and to redress deprivation of rights under these laws.

2. Plaintiff's statutory claims arise under Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, 42 U.S.C. §2000e *et seq.*; the Civil Rights Act of 1991, ("1991 Civil Rights Act"). The Plaintiff asserts she was harassed and treated differently by her employer because of her race.

3. All conditions precedent to jurisdiction under §706 of Title VII, 42 U.S.C. §2000e-5(f)(3), have occurred or been complied with as herein described:

(a) Plaintiff filed a formal “Charge of Discrimination” (EEOC Charge No. 487-2019-01231, copy attached as Exhibit 1) on September 17, 2019, which is within the 300 days of the commission of the unlawful employment practices.

(b) Plaintiff received the Right to Sue Notice dated 8/7/20, the envelope for which was postmarked 8/8/20, on or about 8/11/20. Therefore, Plaintiff has filed her Complaint in a timely manner.

4. Venue is proper in the Federal District Court of Nevada pursuant to 28 U.S.C. §1391(b) because the unlawful employment practices were committed in and arose in the District of Nevada.

THE PARTIES

5. Plaintiff, TALITHA SMITH, during the relevant time period, was a resident of the County of Clark, State of Nevada. At all relevant times, Plaintiff was first employed by EXPEDIA, INC. d/b/a CLASSIC VACATIONS, LLC (hereinafter “Expedia” or “Employer” or “Defendant”) on or about September 24, 2018 as a Travel Specialist for the Las Vegas, Nevada location.

6. Defendant Expedia is a corporation licensed to conduct business in Nevada with its office and place of business in Las Vegas, Nevada, and is qualified to do business in the State of Nevada.

7. As Plaintiff's employer during the relevant time period, Defendant Expedia is required to comply with all state and federal statutes which prohibit harassment and discrimination on the basis of race and retaliation.

8. Doe Defendants I-X, inclusive, are persons whose true identities are unknown to Plaintiff at this time. Individual Doe Defendants are persons acting on behalf of or at the direction of any corporate or business Defendants or who may be officers, employees, or agents of Defendant Expedia and/or Roe Corporation and acted to deprive Plaintiff of her rights. The Roe Corporations may be parent companies, subsidiary companies, owners, predecessor or successor entities, or business advisers, de facto partners, or joint ventures of Defendant Expedia. Plaintiff alleges that individual Does I-X and Roe Corporation Defendants I-X may have authorized, committed, directed, and/or assisted in the commission or ratified the commission of the unlawful discriminatory and/or tortious acts directed toward Plaintiff and thus, may be responsible in whole or in part, for her damages. Plaintiff will seek leave to amend this Complaint as soon as the true identities of Doe/Roe Defendants are revealed.

FACTS

9. On September 24, 2018 Expedia hired Ms. Smith, an African American female, as a Travel Sales Specialist for the Las Vegas, Nevada location. Throughout the course of her employment, she maintained an excellent sales record and continued to increase her sales volume on a monthly basis.

10. Beginning in October 2018 and continuing throughout the course of her employment, Ms. Smith was subjected to harassment and discrimination in the workplace based upon her race. She was called a “stupid dumb nigger” on several occasions by co-workers, treated differently than other similarly situated employees, and was unfairly singled out for certain performance issues, while other co-workers (not of her race) were not.

11. In January 2019, Ms. Smith lodged a complaint against a co-worker who was harassing her and calling her racial epithets that included “nigger.” In February 2019, a Supervisor

1 in San Jose stated she did not like Ms. Smith's tone because it sounded "black." She was also accused
2 of not properly serving a Supervisor's friend properly and placed on a corrective action plan.

3 12. As the racial harassment continued, it began affecting Ms. Smith physically and
4 emotionally. Her supervisors were now continuously listening in on her sales calls which escalated
5 her stress levels. In May 2019, she suffered stress-related nose bleeding, as well as high anxiety. In
6 addition, Expedia allowed a co-worker to unfairly split earnings of Ms. Smith's bookings with
7 another employee. Expedia even moved her desk away from a window and placed it next to one of
8 her supervisor's desks
9

10 13. On June 26, 2019, Expedia issued Ms. Smith a written disciplinary notice. She then
11 filed another complaint regarding the harassment and discrimination with Human Resources.
12 Nothing was done to remedy her complaints, as the racial harassment continued to escalate
13

14 14. On September 13, 2019, a Travel Agent stated very loudly to a co-worker while on a
15 phone call with Ms. Smith, "I am going to f#\$king kill her" [referring to Ms. Smith]. Now the
16 harassment had escalated to her life being threatened. She promptly reported the incident to
17 Expedia's Human Resources and offered the recording of that call.
18

19 15. On September 17, 2019, Ms. Smith filed a charge of discrimination with the U.S.
20 Equal Employment Opportunity Commission (EEOC). She also filed a police report on October 3,
21 2019.
22

23 16. On October 18, 2019, Expedia terminated Ms. Smith's employment. Ms. Smith
24 believes Expedia's actions were a pretext for race discrimination/harassment, and in retaliation for
25 reporting her claims, including assault.
26

27 ...

28 ...

FIRST CAUSE OF ACTION

***Race discrimination/harassment under federal
anti-discrimination statutes***

17. Plaintiff Ms. Smith repleads and realleges and incorporates herein by reference each and every allegation contained in Paragraphs 1 through 16.

18. Defendant Expedia as an employer, knew or should have known of its long-standing obligation, pursuant to state and federal statutes, to maintain a workplace free of race discrimination.

19. Defendant Expedia failed to take reasonably adequate steps to prevent race discrimination/harassment in its workplace.

20. Defendant Expedia failed to institute effective institutional policies to remedy complaints about conduct which might constitute race discrimination/harassment.

21. Therefore, Ms. Smith charges that Defendant Expedia has discriminated against her based upon race, and that Defendant Expedia allowed, authorized and ratified these actions.

22. Ms. Smith has also suffered mental and emotional distress as a result of this unlawful discrimination.

23. As a direct and proximate result of Expedia's discrimination, Ms. Smith has been deprived of economic benefits, including, but not limited to, lost wages, loss of fringe benefits, earning capacity, and loss of job opportunities (promotions) in an amount to be proven at the time of trial.

SECOND CAUSE OF ACTION

***Retaliation under federal
anti-discrimination statutes***

24. Plaintiff repleads and realleges and incorporates herein by reference each and every allegation contained in Paragraphs 1 through 23.

1 25. Defendant Expedia knew or should have known of its obligation to refrain from and
2 prevent retaliatory acts against Ms. Smith and Defendant Expedia failed to do so.

3 26. Defendant Expedia subjected Ms. Smith to adverse terms and conditions of
4 employment after she reported incidents of racial harassment which constitute unlawful retaliation.
5

6 27. Defendant Expedia further retaliated against Ms. Smith by failing to take corrective
7 action after her continual reports of racial harassment.

8 28. As a direct and proximate result of Expedia's discrimination and harassment, Ms.
9 Smith has been deprived of economic benefits, including, but not limited to, lost wages, loss of
10 fringe benefits, earning capacity, and loss of job opportunities (promotions) in an amount to be
11 proven at the time of trial.
12

13 29. Defendant Expedia's retaliatory actions against Ms. Smith have caused, continue to
14 cause, and will cause her to suffer substantial damages for future pecuniary losses, mental anguish,
15 loss of enjoyment of life, inconvenience, and other nonpecuniary losses.
16

17 30. It has been necessary for Ms. Smith to retain the services of an attorney. She is
18 entitled to reasonable attorneys' fees, including litigation expenses, and the costs in this action.
19

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff, Talitha Smith, respectfully prays as follows:

- 22 1. A trial by jury on all issues;
- 23 2. All employment-related losses subject to proof;
- 24 3. All compensatory, special and general damages allowed by law;
- 25 4. Punitive damages in an amount found by the jury to be sufficient to punish and/or
26 deter Defendant and all other from engaging in any such conduct in the future as
27 an example to other employers not to engage in such conduct;
28

5. Attorneys' fees and costs of suit incurred herein;
6. Prejudgment interest;
7. Injunctive relief as appropriate; and
8. Such other and further relief as the Court shall deem just and proper.

Dated this 6th day of November, 2020.

By: 

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Attorney for Plaintiff,
Talitha Smith

EXHIBIT 1

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 487-2019-01231	
Nevada Equal Rights Commission and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Talitha Smith		Home Phone [REDACTED]	Year of Birth [REDACTED]
Street Address [REDACTED]		City, State and ZIP Code Las Vegas, NV [REDACTED]	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CLASSIC VACATIONS LLC D/B/A EXPEDIA		No. Employees, Members 501+	Phone No. (702) 938-2100
Street Address 10190 Covington Cross Dr, LAS VEGAS, NV 89144		City, State and ZIP Code	
Name		No. Employees, Members	Phone No.
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 10-01-2018 08-31-2019 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): On or about September 4, 2018, I was hired by CLASSIC VACATIONS LLC D/B/A EXPEDIA as a Travel Sales Specialist. I am currently in the same position. From in or around October 2018 to in or around July 2019, I was racially harassed by two coworkers not of my protected group. For example, but not limited, calling me a N*gg*r. I informed the company of the hostile work environment; however, no action was taken to investigate or to promptly correct. From in or around February 2019 to in or around August 2019, I was harassed by managers Lisa Tenerelli, Joey Gomez and Danny Gomez. For example, but not limited, issuing me verbal and written discipline, monitoring my work-related phone calls, and moving my seat assignment to the back of the room. I believe I was discriminated against because of my race, Black, and retaliated against for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended. I believe I was discriminated against because of my age, over age 40, in violation of the Age Discrimination in Employment Act of 1967, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Digitally signed by Talitha Smith on 09-17-2019 07:14 PM EDT		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	